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April 11, 2023

VIA ECF

Magistrate Judge Marcia M. Henry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Joint Status Report on Discovery.

***Fadlevich v. JD 34th Street Realty, LLC*, No. 1:19-cv-04227-DG-MMH**

Dear Judge Henry:

The undersigned represents Plaintiff Mark Fadlevich in this lawsuit alleging violations of the FDCPA and state law.

The undersigned files this Joint Status Report on behalf of all Parties pursuant to Your Honor's February 23 ECF Order, and April 8, 2023 extension to April 10, 2023. The Parties apologize to the Court for the tardiness of this filing. There were significantly more items in dispute than the parties had initially anticipated.

Discovery has proceeded as follows. On January 17, 2023 Gutman¹ produced "account notes" of Mr. Fadlevich. Depositions of Gutman are set to begin April 18.

Counsel for Plaintiff and Gutman have conferred regarding discovery matters that have arisen in the last three weeks and have come to the following agreement. Gutman will produce, in their native electronic format, by April 17 at 3:00 PM all documents related to Mr. Fadlevich, the bank restraints, and communications with Wells Fargo including, *inter alia*,

1. Documents reflecting communications with Wells Fargo;
2. Documents from the ICollect system including, *inter alia*, screen shots and pdf files in their native electronic format;
3. Audio recordings, if any, with Mr. Fadlevich or Wells Fargo, including recordings, if any, in possession of Gutman's phone provider Adalex Enterprises Corp. d/b/a/ Adalex Communications;
4. Contracts in effect from January 1, 2018 between Gutman and Adalex (or any other phone provider who may have recorded phone calls;
5. To the degree not already produced, documents, in their native electronic form, the following:

¹ This letter uses the name Gutman to refer collectively to Defendant Gutman, Mintz, Baker & Sonnenfeldt, LLP and Defendant Eric Keilbach, an attorney at the firm.

- a. Documents and screen shot from the AS/400 collection software;
- b. Correspondence and information subpoenas/ bank restraints with Wells Fargo, Mr. Fadlevich, or Marshals;
- c. Emails, if any, with Wells Fargo.

To the degree any document encompassed by the above are not produced by April 17 at 3:00 PM Gutman consents to Plaintiff to retake Gutman deposition(s) related to the undisclosed information.

The parties propose the following expert discovery scheduling order, which does not change the general discovery end date.

Plaintiff's expert disclosures shall be made on or before April 12, 2023

Defendants' expert disclosures shall be made on or before May 17, 2023

All expert discovery to be completed by on or before June 29, 2023.

Respectfully,

/s/

Ahmad Keshavarz